M/s. Glaxo case against DPE4 recovery

873. CHOWDHARY RAM SEWAK: Will the Minister of PBfROLEUM AND CHEMICALS be pleased to state:

(a) whether it is a fact that M/s. Glaxo has gone to the Delhi High Court against recovery on account of Drug Price Equa lisation Account; and

(b) if so, what are the grounds on which they have gone to the court and the action taken by Go/c.nrae.it in the matter?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRl M. S. GURU-PADASWAMY): (a) Yes, Sir.

(b) The entire matter is now *sub judice.*

Assessment of liability on Baralgon Ketone

874. CHOWDHARY RAM SEWAK: Will the Minister of PETROLEUM AND CHEMICALS be pleased to refer to the answer to Unstarred Question 315 given in the Rajya Sabha on the 7th May, 1990 and state:

(a) what were the considerations on which special team usssssrd the liability no the price of Rs 8019/- per kg. of Baralgon Ketone;

(b) when was the price of Rs. 8019/- implemented and what were the prices of finished medicines tixfd or. the price of Rs. 8019/- per kg.;

(c) whether scrutiny of assessment made by special team has been completed; and

(d) if so, what are the findings of the review and what is the final assessment made after review?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI M. S. GURU-PADASWAMY): (a) The Special Team took into consideration the notional price of Rs. 8019.00 per kg. for Bnrelgone Ketone for determining the liability of M/s. Hoechst, based on the contentions of the company.

(b) Formulation prices were, however, never based on Baralogne Ketone price of Rs 8019/- per kg.

(c) and (d) As a ies.ilt of scrutiny *ct* the findings of the Sps.:ial Team, tentative recovery of a sum of Rs. 17.46 crores upto December, 1985 as due from M/s. Hoechst in respect of Bai-al^one Ketone was communicated to the ccnij.uiiv on 30th May, 1990. The submissions made by the companies have been rejected and they have been asked to maif! available all the details so that their liability could be finalised.

875. *[Transferred to 23rd August,* 1990]

Undertaking given by M/s. Hoechst onl assessment regarding overcharged amounts

876. CHOWDHARY RAM SEWAK; Will the Minister of PETROLEUM AND CHEMICALS be pleased to refer to Un starred Question 343 giv.:n in the Rajya Sabha on 7th May, IVJ0 and state:

(a) whether it is a fact that M/s. Hoechst gave an undertaking in the Supreme Court on assessment regarding overcharged amounts;

(b) if so, what arc the details of the undertaking;

(c) whether it is a fact that the Special Team deliberately ingnored this undertaking for consideration; and

(d) if so, what ac^on has been taken against the members of the Team and these who examined and accepted their findings for the lapse?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI M. S. GURU-PADASWAMY): (a) and (b) M|s. Hoechst India Ltd. gave an undertaking in the Delhi High Court to deposit in the Court the difference in the price of formulations in question for being deposited in the Equa-lisation Account in case the petition is dis-missed and the rule is dischaiged. The Supreme Court in its judgement of April-May, 1987 on the Special Leave Petition filed by the Government against the High Court judgement resorted those undertaking.

(c) Since the said undertakings were *ipso facto* binding on the concerned companies,